

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

JAN 28 2010

FILED

STATE OF NEBRASKA)
DEPARTMENT OF INSURANCE,)

CONSENT ORDER

PETITIONER,)

VS.)

CAUSE NO. C-1806

MARQUETTE NATIONAL LIFE)
INSURANCE COMPANY,)

RESPONDENT.)

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Janette L. Adair and Marquette National Life Insurance Company ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §§44-101.01, 44-135, 44-303, and 44-4047 et seq. (Reissue 2004).
2. Respondent was licensed under the laws of Nebraska as a foreign insurer licensed to conduct business in Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Marquette National Life Insurance Company, Cause Number C-1806 on December 31, 2009. A copy of the petition was served upon the Respondent's registered agent for service, by certified mail, return receipt requested.

2. Respondent violated Neb. Rev. Stat. § 44-1525(12) (Reissue 2004) as a result of accepting applications for insurance from Jackson McHugh, a licensed insurance producer not appointed as an agent for Respondent, and issuing policies based on those applications as follows:

- a. Policy #MQ0013643, transaction dates June 8 and July 4, 2009;
- b. Policy #MQ0014073, transaction dates July 1 and July 4, 2009;
- c. Policy #MQ0014916, transaction dates August 17 and September 11, 2009;
- d. Policy #MQ0015599, transaction dates September 25 and October 19, 2009;
- e. Policy #MQ0015600, transaction dates September 25 and October 26, 2009;
- f. Policy #MQ0015909, transaction date October 14, 2009;
- g. Policy #MQ0015921, transaction date October 14, 2009;
- h. Policy #SS0014075, transaction dates July 1 and July 4, 2009;

3. Respondent was informed of the right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving the right to a public hearing, Respondent also waives the right to confrontation of witnesses, production of evidence, and judicial review.

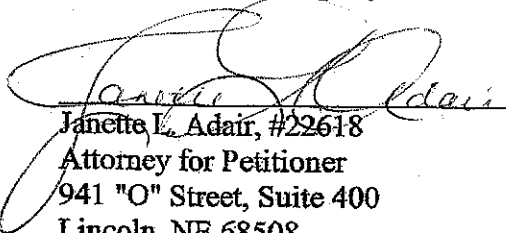
4. Respondent admits the allegations stated in Paragraphs 2.

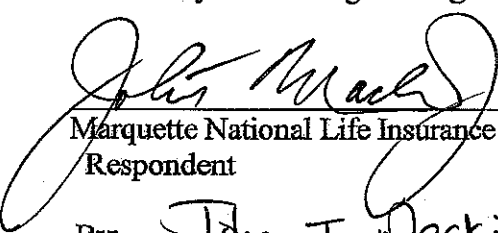
CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes violations of Neb. Rev. Stat. §§ 44-1525(12).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondent, Marquette National Life Insurance Company, that Respondent shall pay an administrative fine in the amount of three thousand dollars (\$3,000.00) due within 30 days after the Director of Insurance or her designee approves and signs this consent order. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing their signature below.


Janette L. Adair, #22618
Attorney for Petitioner
941 "O" Street, Suite 400
Lincoln, NE 68508
(402) 471-2201


Marquette National Life Insurance Company,
Respondent

By: John T. Mackin

1-27-10
Date

1-26-10
Date

State of Florida)
County of Seminole) ss.

On this 26th day of January, 2010, John T. Mackin personally appeared before me on behalf of Marquette National Life Insurance Company, and read this Consent Order, executed the same and acknowledged the same to be their voluntary act and deed.



Notary Public

NOTARY PUBLIC-STATE OF FLORIDA
Darcy Heller
Commission #DD886841
Expires: MAY 05, 2013
BONDED THRU ATLANTIC BONDING CO., INC.

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Marquette National Life Insurance Company, Cause No. C-1806.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


ANN M. FROHMAN
Director of Insurance

1-28-2010
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was served upon Respondent by mailing a copy to Respondent at 1001 Heathrow Park Lane, Suite 5001, Lake Mary, FL 32746, by certified mail, return receipt requested, on this 28th day of January, 2010.

